



Cira Centre
2929 Arch Street
Philadelphia, PA 19104-2808
+1 215 994 4000 Main
+1 215 994 2222 Fax
www.dechert.com

MARTIN J. BLACK

martin.black@dechert.com
+1 215 994 2664 Direct
+1 655 655 2664 Fax

August 2, 2016

VIA ECF

Hon. Cathy L. Waldor, U.S.M.J.
United States District Court
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *Mondis Technology, Ltd. v. LG Electronics, Inc. et al.*,
Civil Action No. 2:15-cv-04431-SRC-CLW

Dear Judge Waldor:

This firm represents Plaintiff Mondis Technology Ltd. ("Mondis") in connection with the above-referenced matter, and I write in advance of the teleconference scheduled by the Court for August 4, 2016, at 3:00 p.m., to provide Mondis's position on scheduling.

At the time that the Court stayed the case on September 3, 2005, the parties had already served patent infringement and invalidity contentions. The parties had also substantially completed document production, and fact discovery was set to close in less than one week (on September 9th) pursuant to the Docket Control Order entered by Judge Gilstrap prior to the case's transfer to this district (ECF # 31). The parties had already completed claim construction briefing under the Eastern District of Texas's procedures.

The Patent Office has now completed the reexamination process, and asserted claims 14-16 of U.S. Patent No. 7,475,180 ("the '180 patent," attached as Exhibit A) have been confirmed as valid. Mondis has streamlined the case to just the three confirmed claims of the '180 patent, and the Court has vacated the stay (ECF # 136).

Mondis believes that the Court would benefit from focused *Markman* briefing on the three claims now at issue. Given the prior briefing and small number of claims at issue, there is no reason for a lengthy *Markman* process. Because discovery was all but closed before the stay issued, there is no reason for lengthy discovery. We note that LG committed not to delay the case as a condition of transfer from the Eastern District of Texas. Accordingly, Mondis proposes the following schedule:



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<u>Event</u>	<u>Proposed Date</u>
Fact Discovery	
Parties to respond to outstanding written discovery served prior to Court's stay order	August 19, 2016
Parties to supplement infringement and invalidity contentions	August 31, 2016
Parties to supplement outstanding non-infringement and non-invalidity contention interrogatories	September 15, 2016
Close of fact discovery	October 21, 2016
Claim Construction	
LG to identify any new claim terms for construction and provide proposed constructions for such terms	August 12, 2016
Mondis to provide rebuttal claim constructions	August 19, 2016
Parties to meet and confer on proposed claim constructions	August 26, 2016
Parties to file Joint Claim Construction & Prehearing Statement	September 16, 2016
Opening <i>Markman</i> briefs due	September 30, 2016
Responsive <i>Markman</i> briefs due	October 14, 2016
Parties to file proposal for claim construction hearing schedule	October 21, 2016
Expert Discovery	
Opening expert reports due	November 11, 2016
Rebuttal expert reports due	December 9, 2016
Close of expert discovery	December 30, 2016
Dispositive Motions and Trial	
Dispositive motions due	January 13, 2017
Responses/replies to dispositive motions due	(set by NJ motion dates)
Pre-trial Order due	TBD by Court
Pre-trial conference	TBD by Court
Trial *	TBD by Court



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* The parties will meet-and-confer at a later date after the trial date has been set by the Court in order to discuss additional deadlines related to trial proceedings, including but not limited to: dates for *in limine* motions, dates for the joint pretrial order, dates for jury instructions, dates for witness and exhibit lists, and dates for deposition designations.

The New Jersey Local Patent Rules permit modification of the standard deadlines “based on the circumstances of any particular case, including, without limitation, the simplicity or complexity of the case as shown by the patents, claims, products, or parties involved.” N.J. L. Pat. R. 1.3. Here, there is just one patent in suit, and just three asserted claims. Moreover, the parties have already exchanged contentions and counter-contentions, and the issues have been significantly narrowed since the validity of the asserted claims of the ‘180 patent has been analyzed in three separate ex parte reexamination proceedings. The parties should be able to address any claim construction issues that may have arisen from the proceedings before the Patent Office in a quick round of supplemental claim construction briefing. Accordingly, Mondis respectfully requests that the Court enter its proposed modified schedule for this case.

Respectfully submitted,

/s/ Martin J. Black

Martin J. Black

MJB/te

Attachments

cc: All Counsel of Record (via ECF)